

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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J & J SPORTS PRODUCTIONS, INC.,

Plaintiff,

-against-

NELSON S. GUNCAY, individually and  
d/b/a/ Las Orillas De Gualaceo; and LAS  
ORILLAS DE GUALACEO, INC., an  
unknown business entity d/b/a Las Orillas de  
Gualaceo,

Defendants.  
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**MEMORANDUM AND**  
**ORDER**

Case No. 18-CV-2097-FB-RML

**BLOCK, Senior District Judge:**

On October 16, 2018, Magistrate Judge Levy issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered against all defendants in the total amount of \$13,188 plus post-judgment interest at the federal statutory rate. The R&R further recommended that plaintiff be permitted to move for attorney’s fees and costs following this Order. The R&R advised that “[a]ny objections to this Report and Recommendation must be filed . . . within fourteen (14) days,” and that “[f]ailure to file objections within the specified time waives the right to appeal the district court’s order.” R&R at 11. The R&R was served on all defendants on October 17, 2018, making objections due by October 31, 2018. To date, no objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court, however, will excuse the failure to object and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No such error appears on the face of the R&R. Therefore, the Court adopts it in its entirety without *de novo* review. The Clerk shall enter judgment in accordance with the R&R.

**SO ORDERED.**

/S/ Frederic Block\_\_\_\_\_

FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
December 3, 2018